

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:07-1521-JFA
)	
v.)	ORDER
)	
DEONTA LAMONT CARPENTER)	
)	
)	

This case has a complicated procedural history resulting, primarily, from the defendant's repeated requests to amend his 28 U.S.C. § 2255 motion.

The defendant's first § 2255 motion was filed on November 4, 2010 (ECF No. 518). The government moved for and was granted an extension of time to respond to the motion until transcripts of the criminal proceedings could be prepared.

On December 28, 2010, the defendant again moved to amend or supplement his § 2255 motion. As the government had not filed a responsive pleading at the time, the court granted the defendant's motion on January 31, 2011 directing that he file the amended motion within 20 days. Shortly thereafter, the defendant moved for an extension of time to file the amended motion. However, he timely filed the amended § 2255 motion (ECF No. 539) on February 22, 2011. The court then granted the government's request to extend its deadline to respond to the § 2255 motion until April 21, 2011, and then again until two days after the government received defense counsel's affidavit.

On May 16, 2011, the government filed its motion for summary judgment and response in opposition to the defendant's § 2255 motion. Shortly thereafter, on May 18 and

May 23, 2011, the defendant filed two additional motions to amend his § 2255 petition (ECF Nos. 554, 555), along with a motion for the court's permission to file a reply (ECF No. 556) to the government's motion for summary judgment. The defendant then filed a motion to compel (ECF No. 557) the government to respond to Ground 6 of defendant's amended motion to vacate. The government responded in opposition and filed a supplemental motion for summary judgment (ECF No. 559).

In an order dated June 7, 2011, the court indicated that it would allow the defendant to file a final amended § 2255 motion no later than 15 days from his receipt of the order. On June 16, 2011, the defendant filed an amended § 2255 (ECF No. 563). Then, on June 20, 2011, the defendant filed another amended § 2255 motion (ECF No. 564). In the June 7, 2011 order, the court instructed the government that a response to the amended § 2255 motion was not necessary unless the court requested it do so.

Most recently, on June 23, 2011, seventeen days after the court's order was dated, the defendant has filed a motion styled "Motion for Leave to Reply That Petitioner Was Granted in Order of 560 Entry of Docket Sheet." [sic] Although it is not clear, it appears from this pleading that the defendant is asking the court for the opportunity to reply to the government's response (ECF Nos. 558, 559).

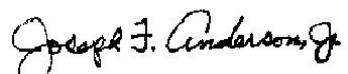
Generally, when a litigant moves for summary judgment against a *pro se* party (here, defendant Carpenter), the court will issue a "Roseboro" order allowing the *pro se* party 34 days to submit any material he wishes to file in opposition to the motion in accordance with the requirements of Rule 12 and Rule 56 of the Federal Rules of Civil Procedure (extracts of pertinent

procedures are included in the order). Accordingly, the court will enter such an order contemporaneously with this order. The Clerk is also directed to docket the defendant's motion to reply (ECF No. 565) as moot in light of the filing of a *Roseboro* order.

The Clerk shall docket all previous motions to vacate (ECF No. 518, 539, and 563) as dismissed and the court will refer to ECF No. 564 as the final § 2255 amended motion on which it will rule. No further extensions, supplements, or amendments will be permitted.

IT IS SO ORDERED.

July 7, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge